

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

CARLOS ALROY WOODLEY,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 3:21-cv-615-HEH
	)	
LT. SAMPLE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**  
**(Dismissing Action)**

Carlos Alroy Woodley, a Virginia inmate proceeding *pro se*, filed this civil rights action. (ECF No. 1.) It is unclear whether Woodley was a convicted felon or a pretrial detainee at the time of the events challenged in the Particularized Complaint. Whether Woodley was a convicted felon or a pretrial detainee at the relevant times determines what constitutional amendment governs his claims. *See Woodley v. Leabough*, No. 3:20-CV-993-HEH, 2022 WL 15524592, at \*7 (E.D. Va. Oct. 27, 2022). Accordingly, by Memorandum Opinion and Order entered on December 1, 2022, the Court directed Woodley, within twenty (20) days of the date of entry thereof, to provide a statement reflecting the date and nature of any conviction within the last eight years. The Court warned Woodley that the failure to provide such a statement would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b).

More than twenty (20) days have elapsed since the entry of the December 1, 2022 Memorandum Opinion and Order and Woodley has failed to respond. Accordingly, the action will be dismissed without prejudice.

An appropriate Final Order shall accompany this Memorandum Opinion.



/s/

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Henry E. Hudson  
Senior United States District Judge

Date: January 9, 2023  
Richmond, Virginia